

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 17-cr-00965-JB

KIRBY CLEVELAND,

Defendant.

**NOTICE WITHDRAWING DEFENDANT KIRBY CLEVELAND'S
MOTION FOR RECUSAL OF HON. KENNETH J. GONZALES [DOC. 40]**

Defendant Kirby Cleveland respectfully gives notice of the withdrawal without prejudice of his *Motion for Recusal of Hon. Kenneth J. Gonzales* [Doc. 40]. Given that this case has been reassigned to the Honorable James O. Browning, Mr. Cleveland has obtained the relief he sought and the motion is now moot.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of March 2018, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel for Plaintiff and Defendants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Theresa M. Duncan
Theresa M. Duncan